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[Report No. 103-392]

To further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 10 (legislative day, MARCH 3), 1993

Mr. NUNN (for himself, Mr. BUMPERS, Mr. DANFORTH, Mr. ROTH, Mr. PRESSLER, Mr. HEFLIN, Mr. JOHNSTON, Mr. BOND, Mr. BREAUX, Mr. COHEN, Mr. BOREN, Mr. COCHRAN, Mr. BRYAN, Mr. WALLOP, Mr. HOLLINGS, Mr. MACK, Mr. EXON, Mr. BURNS, Mr. SHELBY, Mr. LOTT, Mr. ROBB, Mr. COATS, Ms. MOSELEY-BRAUN, Mr. HATCH, Mr. DOLE, Mr. DOMENICI, Mr. GORTON, Mr. JEFFORDS, and Mr. SASSER) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

SEPTEMBER 30 (legislative day, SEPTEMBER 12), 1994

Reported by Mr. GLENN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Paperwork Reduction
 5 Act of 1993".

6 **SEC. 2. TABLE OF CONTENTS.**

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Sec. 2. Table of contents.

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1 **TITLE I—AUTHORIZATION OF** 2 **APPROPRIATIONS**

3 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 3520(a) of title 44, United States Code, is
5 amended by striking out “\$5,500,000 for each of the fiscal
6 years 1987, 1988, and 1989.” and inserting in lieu thereof
7 “\$7,000,000 for fiscal year 1994, \$7,500,000 for fiscal
8 year 1995, \$8,000,000 for fiscal year 1996, \$8,500,000
9 for fiscal year 1997, and \$9,000,000 for fiscal year
10 1998.”.

1 **TITLE II—REDUCING THE BUR-**
2 **DEN OF FEDERAL PAPER-**
3 **WORK ON THE PUBLIC**

4 **SEC. 201. REEMPHASIZING THE NEED TO REDUCE THE**
5 **BURDEN OF FEDERAL PAPERWORK ON THE**
6 **PUBLIC.**

7 Section 3501 of title 44, United States Code, is
8 amended to read as follows:

9 **“§ 3501. Purposes**

10 **“The purposes of this chapter are to—**

11 **“(1) minimize the Federal paperwork burden**
12 **for individuals, small businesses, educational and**
13 **nonprofit institutions, Federal contractors, State**
14 **and local governments, and other persons;**

15 **“(2) minimize the cost to the Federal Govern-**
16 **ment of collecting, maintaining, using, retaining,**
17 **sharing, and disseminating information;**

18 **“(3) maximize the usefulness of information**
19 **collected, maintained, used, retained and shared by**
20 **the Federal Government;**

21 **“(4) coordinate, integrate and, to the extent**
22 **practicable and appropriate, make uniform Federal**
23 **information policies and practices;**

1 “(5) ensure that government information re-
2 sources management is conducted in an efficient and
3 cost effective manner to—

4 “(A) improve the quality of decisionmaking
5 and program management and administration;

6 “(B) improve the quality and timeliness of
7 services delivered to the public;

8 “(C) increase productivity;

9 “(D) reduce waste and fraud;

10 “(E) facilitate the sharing of information;

11 “(F) ensure the integrity, quality and util-
12 ity of the Federal statistical system; and

13 “(G) reduce burden upon the public;

14 “(6) ensure that the collection, maintenance,
15 use, retention, sharing, and disseminating of infor-
16 mation by or for the Federal Government is consist-
17 ent with applicable laws;

18 “(7) establish the responsibility and public ac-
19 countability of Federal agencies for implementing
20 the information collection review process; informa-
21 tion resources management; and related policies and
22 guidance established pursuant to this chapter;

23 “(8) ensure that automatic data processing;
24 telecommunications and other information tech-

1 nologies are acquired and used by the Federal Gov-
2 ernment in an effective and efficient manner that—

3 “(A) improves service delivery and pro-
4 gram management;

5 “(B) increases productivity;

6 “(C) improves the quality of decisionmak-
7 ing;

8 “(D) reduces waste and fraud;

9 “(E) maximizes the return on investment
10 from the application of Government information
11 and information technology resources over their
12 life cycle; and

13 “(F) wherever practicable and appropriate;
14 reduces the information processing burden for
15 the Federal Government and for persons who
16 provide information, keep records and otherwise
17 disclose information to and for the Federal
18 Government; and

19 “(9) strengthen the partnership between the
20 Federal Government with State and local govern-
21 ments by minimizing the burden and maximizing the
22 utility of information collected and shared.”.

1 **SEC. 202. COVERAGE OF ALL FEDERALLY SPONSORED PA-**
2 **PERWORK BURDENS.**

3 Section 3502 of title 44, United States Code, is
4 amended—

5 (1) by amending paragraph (3) to read as
6 follows:

7 “(3) the term ‘burden’ means the time, effort,
8 financial resources, and opportunity costs imposed
9 on persons to generate, capture, assemble, process,
10 maintain, and report information to or for a Federal
11 agency, including—

12 “(A) the resources expended for obtaining,
13 reviewing and understanding applicable instruc-
14 tions and requirements;

15 “(B) developing a way to comply with the
16 applicable instructions and requirements;

17 “(C) adjusting the existing ways to comply
18 with any previously applicable instructions and
19 requirements;

20 “(D) searching existing data sources;

21 “(E) obtaining, compiling and maintaining
22 the necessary data;

23 “(F) implementing recordkeeping require-
24 ments;

25 “(G) completing and reviewing the collec-
26 tion of information;

1 “(H) retaining, sharing, notifying, report-
 2 ing, transmitting, labeling, or otherwise disclos-
 3 ing to third parties or the public the informa-
 4 tion involved; and

5 “(I) carrying out any other information
 6 transaction which occurs as a result of the
 7 collection of information;”;

8 (2) in paragraph (4) by striking out “of facts
 9 or opinions by” and inserting in lieu thereof
 10 “(through maintenance, retention, notifying, report-
 11 ing, labeling or disclosure to third parties or the
 12 public) of facts or opinions by or for”; and

13 (3) in paragraph (17) by inserting “, including
 14 the retention, reporting, notifying, or disclosure to
 15 third parties or the public of such records” before
 16 the period.

17 **SEC. 203. PAPERWORK REDUCTION GOALS.**

18 Section 3505 of title 44, United States Code, is
 19 amended to read as follows:

20 **“§ 3505. Assignment of tasks and deadlines**

21 “In carrying out the functions under this chapter, the
 22 Director shall—

23 “(1) set a Governmentwide goal, consistent with
 24 improving agency management of the process for the
 25 review of each collection of information established

1 under section 3506(e), to reduce by September 30,
2 1994, the burden of Federal collections of informa-
3 tion existing on September 30, 1993, by at least 5
4 percent;

5 “(2) for the fiscal year beginning on October 1,
6 1994, and the following 3 fiscal years, set a Govern-
7 mentwide goal, consistent with improving agency
8 management of the process for the review of each
9 collection of information established under section
10 3506(e), to reduce the burden of Federal collections
11 of information existing at the end of the immediately
12 preceding fiscal year by at least 5 percent;

13 “(3) in establishing the Governmentwide goal
14 pursuant to paragraph (2), establish a goal for each
15 agency that—

16 “(A) represents the maximum practicable
17 opportunity to reduce the paperwork burden
18 imposed upon the public by such agency’s col-
19 lections of information, after considering the
20 recommendations of the senior agency official
21 designated under section 3506(b)(1); and

22 “(B) permits the attainment of the Gov-
23 ernmentwide goal when such agency’s goal is
24 aggregated with the individual goals of all other

1 agencies included in the Governmentwide goal;
2 and

3 “(4) in each report issued under section 3514,
4 beginning with the report relating to fiscal year
5 1994, identify any agency initiatives to reduce the
6 burden of the Federal collections of information as-
7 sociated with—

8 “(A) businesses; especially small businesses
9 and those engaged in international competition;

10 “(B) State and local governments; and

11 “(C) educational institutions.”

12 **TITLE III—ENHANCING FED-**
13 **ERAL AGENCY RESPONSIBIL-**
14 **ITY AND ACCOUNTABILITY**
15 **FOR REDUCING THE BURDEN**
16 **OF FEDERAL PAPERWORK**

17 **SEC. 301. DESIGNATING AN AGENCY OFFICIAL RESPON-**
18 **SIBLE AND PUBLICLY ACCOUNTABLE FOR**
19 **REDUCING THE BURDEN OF FEDERAL PA-**
20 **PERWORK.**

21 Section 3506 of title 44, United States Code, is
22 amended—

23 (1) in subsection (a)—

(A) by striking “Each agency” and inserting in lieu thereof “The head of each agency”; and

(B) by inserting “resources” after “its information”;

(2) in subsection (b)—

(A) by inserting “(1)” before “The head of each agency”; and

(B) by adding at the end thereof the following new paragraphs:

“(2) The senior official designated under paragraph (1) shall be the head of an office, established by the head of the agency, responsible for assuring agency compliance with and prompt, efficient, and effective implementation of the information collection review process, information resources management, and related policies and guidance established pursuant to this chapter.

“(3) Staff to such office shall be well qualified through experience or training to carry out the information collection review process, information resources management, and related policies and guidance established under this chapter.”; and

(3) in subsection (c)—

1 (A) by striking out "and" after the semi-
2 colon at the end of paragraph (7);

3 (B) by striking out the period at the end
4 of paragraph (8) and inserting in lieu thereof
5 a semicolon; and

6 (C) by adding at the end thereof the fol-
7 lowing new paragraphs:

8 “(9) prepare estimates of burden that will re-
9 sult from proposed collections of information;

10 “(10) develop and maintain a strategic Infor-
11 mation Resources Management Plan, in accordance
12 with guidance from the Director, for the application
13 of information resources to support the agency’s
14 specified mission goals as articulated through its
15 strategic mission planning process;

16 “(11) establish oversight procedures, in accord-
17 ance with guidance provided by the Director, to im-
18 prove the life cycle management of the agency’s
19 major information systems; and

20 “(12) assess the agency’s efforts to have pro-
21 gram offices manage Government information re-
22 sources by using performance measures that exam-
23 ine such factors as quality and timeliness of service
24 delivery to the public; productivity of program ad-
25 ministration; ability to prevent or reduce fraud; and

the burden of Government's information collection practices on the public.”.

**SEC. 302. AGENCY RESPONSIBILITIES FOR CONTROLLING
AND REDUCING THE BURDEN OF FEDERAL
PAPERWORK.**

Section 3506 of title 44, United States Code (as amended by section 301 of this Act) is further amended by adding at the end thereof the following new subsections:

“(e) The head of each agency, acting through the senior official designated under subsection (b)(1), shall establish an efficient, and effective process for the prompt review of each information collection request before it is submitted to the Director for review and approval under this chapter. At a minimum, this review process shall—

“(1) be sufficiently independent of program responsibilities to evaluate whether each information collection request should be carried out;

“(2) be provided sufficient personnel and other resources to carry out such review responsibility effectively; and

“(3) have authority (independent of agency program officers) to approve, disapprove, and make needed improvements in any agency collection of information.

1 “(f) Under the process established under subsection
2 (e), the senior official designated under subsection (b)(1)
3 shall certify (and provide a record supporting such certifi-
4 cation, including any pertinent public comments received
5 by the agency) to the Director that—

6 “(1) the collection of information and any appli-
7 cable instructions and requirements—

8 “(A) are necessary for the proper perform-
9 ance of the agency’s functions and are the least
10 burdensome necessary;

11 “(B) are not unnecessarily duplicative of
12 information otherwise reasonably accessible to
13 the agency;

14 “(C) have practical utility;

15 “(D) are written using plain, coherent and
16 unambiguous terminology;

17 “(E) are to be implemented in ways con-
18 sistent and compatible, to the maximum extent
19 practicable, with the existing reporting and rec-
20 ordkeeping practices of those who are to
21 respond;

22 “(F) are understandable to those who are
23 to respond;

24 “(G) display on the information collection
25 request, to the extent practicable, the agency

1 estimate of the burden for each response, cal-
2 culated in accordance with the procedures es-
3 tablished by the Director under section
4 3504(e)(5);

5 “(H) use information technology to reduce
6 burden and improve agency responsiveness to
7 the public;

8 “(I) use effective and efficient statistical
9 survey methodology appropriate to the need for
10 which the information is to be collected; and

11 “(J) explain the need and ultimate use of
12 the information to be collected; and the impor-
13 tance of an accurate and timely response; and
14 “(2) the agency has taken necessary steps to—

15 “(A) except as provided in section 3507 (g)
16 and (k); give 60-day notice to; and consult with
17 members of the public and interested agencies;
18 in order to—

19 “(i) enhance the clarity of the pro-
20 posed collection of information;

21 “(ii) solicit comment on the agency es-
22 timate of the burden for each response for
23 such collection of information; and

24 “(iii) minimize the burden of such col-
25 lection of information on those who are to

1 respond, including the appropriate use of
2 automated collection techniques or other
3 forms of information technology;

4 “(B) evaluate the proposed collection of in-
5 formation and any applicable instructions and
6 requirements, by developing and conducting—

7 “(i) an assessment of need;

8 “(ii) a functional description of the in-
9 formation to be collected;

10 “(iii) a plan for the practical collec-
11 tion of information;

12 “(iv) a specific, objectively supported
13 estimation of burden, including each trans-
14 action involved; and

15 “(v) a test of the collection of infor-
16 mation through a pilot or prototype pro-
17 gram, if appropriate;

18 “(C) plan and allocate resources for the ef-
19 ficient and effective management and use of the
20 information to be solicited; and

21 “(D) reduce burdens on businesses (espe-
22 cially small businesses and those engaged in
23 international competition); State and local gov-
24 ernments; and educational institutions; through
25 consideration of such alternatives as—

“(i) establishing differing compliance or reporting requirements or timetables in recognition of the resources available to those who are to respond;

“(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; and

“(iii) an exemption from coverage of the collection of information, or any part thereof.”.

TITLE IV—ENHANCING GOVERNMENT RESPONSIBILITY AND ACCOUNTABILITY FOR REDUCING THE BURDEN OF FEDERAL PAPERWORK

SEC. 401. REEMPHASIZING THE RESPONSIBILITY OF THE DIRECTOR TO CONTROL THE BURDEN OF FEDERAL PAPERWORK.

Section 3504(e) of title 44, United States Code, is amended—

(1) in paragraph (3) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and inserting after subparagraph (A) the following new subparagraph:

1 “(B) display, to the extent practicable, an
2 estimate of the burden for each response;”;

3 (2) by amending paragraphs (5) and (6) to
4 read as follows:

5 “(5) establishing procedures under which an
6 agency is to estimate the burden under this chapter
7 to comply with the proposed collection of informa-
8 tion;

9 “(6) coordinating with the Office of Federal
10 Procurement Policy to eliminate paperwork burdens
11 associated with procurement and acquisition;”;

12 (3) by striking out the period at the end of
13 paragraph (7) and inserting in lieu thereof a semi-
14 colon; and

15 (4) by adding at the end thereof the following
16 new paragraphs:

17 “(8) minimizing the Federal paperwork burden
18 imposed through Federal collection of information,
19 with particular emphasis on those individuals or en-
20 tities most adversely affected; including—

21 “(A) businesses, especially small businesses
22 and those engaged in international competition;

23 “(B) State and local governments; and

24 “(C) educational institutions; and

“(9) initiating and conducting, with selected agencies and non-Federal entities on a voluntary basis, pilot projects to test or demonstrate the feasibility and benefit of changes or innovations in Federal policies, rules, regulations, and agency procedures to improve information management practices and related management activities (including authority for the Director to waive the application of designated agency regulations or administrative directives after giving timely notice to the public and Congress regarding the need for such waiver).”.

SEC. 402. ENHANCING AGENCY RESPONSIBILITY TO OBTAIN PUBLIC REVIEW OF PROPOSED PAPERWORK BURDENS.

Section 3507(a) of title 44, United States Code, is amended—

(1) in paragraph (2)(B) by inserting “a summary of the request,” after “title for the information collection request,”;

(2) by striking out “and” at the end of paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following:

1 “(3) the agency provides at least 30 days for
 2 public comment to the agency and the Office of
 3 Management and Budget after publication of the no-
 4 tice in the Federal Register, except as provided
 5 under section 3507 (g) and (k), and the agency head
 6 and the Director consider comments received regard-
 7 ing the proposed collection of information; and”.

8 **SEC. 403. EXPEDITING REVIEW AT THE OFFICE OF MAN-**
 9 **AGEMENT AND BUDGET.**

10 Section 3507(b) of title 44, United States Code, is
 11 amended—

12 (1) by striking out the first sentence and insert-
 13 ing in lieu thereof “The Director shall within 30
 14 days after publication of the notice under subsection
 15 (a)(3) that is applicable to a proposed information
 16 collection request not contained in a proposed rule;
 17 notify the agency involved of the decision to approve
 18 or disapprove the proposed information collection re-
 19 quest and shall make such decisions publicly avail-
 20 able. Any decision to disapprove an information col-
 21 lection request shall include an explanation of the
 22 reasons for such decision.”;

23 (2) by striking out “sixty” each place it appears
 24 and inserting “30” in each such place;

(3) by striking out "thirty" and inserting in lieu thereof "30"; and

(4) by striking out "one" and inserting in lieu thereof "1".

**SEC. 404. IMPROVING PUBLIC AND AGENCY SCRUTINY OF
PAPERWORK BURDENS PROPOSED FOR RE-
NEWAL.**

(a) **APPROVAL OF INFORMATION COLLECTION REQUEST.**—Section 3507(d) of title 44, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end thereof the following:

"(2)(A) If the head of the agency, or the senior official designated under section 3506(b)(1), decides to seek extension of the Director's approval granted for a currently approved information collection request, the agency shall, through the notice prescribed in subsection (a)(2)(B) and such other practicable steps as may be reasonable, seek comment from the agencies, and the public on the continued need for, and burden imposed by, the collection of information.

"(B) The agency, after having made a reasonable effort to seek comment under subparagraph (A), but no later than 60 days before the expiration date of the control

1 number assigned by the Director for the currently ap-
 2 proved information collection request, shall—

3 “(i) evaluate the public comments received;

4 “(ii) conduct the review established under sec-
 5 tion 3506(e); and

6 “(iii) provide to the Director the certification
 7 required by section 3506(f), including the text of the
 8 certification and any additional relevant information
 9 regarding how the information collection request
 10 comports with the principles and requirements of
 11 this chapter.

12 “(C) Upon receipt of such certification, and prior to
 13 the expiration of the control number for that information
 14 collection request, the Director shall—

15 “(i) ensure that the agency has taken the ac-
 16 tions specified under section 3506(f)(2);

17 “(ii) evaluate the public comments received by
 18 the agency or by the Director;

19 “(iii) determine whether the agency certification
 20 complies with the standards under section
 21 3506(f)(1); and

22 “(iv) approve or disapprove the information col-
 23 lection request under this chapter.

24 “(3) If a certification is not provided to the Director
 25 prior to the beginning of the 60-day period before the expi-

1 ration of the control number as provided under paragraph
2 (2)(B), the agency shall submit the information collection
3 request for review and approval or disapproval under this
4 chapter.

5 “(4) An agency may not make a substantive or mate-
6 rial modification to an information collection request after
7 it has been approved by the Director, unless the modifica-
8 tion has been submitted to the Director for review and
9 approval or disapproval under this chapter.”

10 (b) APPROVAL OF INFORMATION COLLECTION RE-
11 QUIREMENTS.—Section 3507 of title 44, United States
12 Code, is further amended by adding at the end thereof
13 the following new subsections:

14 “(i)(1) As soon as practicable, but no later than pub-
15 lication of a notice of proposed rulemaking in the Federal
16 Register, each agency shall forward to the Director a copy
17 of any proposed rule which contains a collection of infor-
18 mation requirement and upon request, information nec-
19 essary to make the determination required under this
20 chapter.

21 “(2) Within 60 days after the notice of proposed rule-
22 making is published in the Federal Register, the Director
23 may file public comments under the standards set forth
24 in section 3508 on the collection of information require-
25 ment contained in the proposed rule.

1 “(3) When a final rule is published in the Federal
2 Register, the agency shall explain how any collection of
3 information requirement contained in the final rule re-
4 sponds to the comments, if any, filed by the Director or
5 the public, or explain the reasons such comments were re-
6 jected.

7 “(4) The Director has no authority to disapprove any
8 collection of information requirement specifically con-
9 tained in an agency rule, if the Director has received no-
10 tice and failed to comment on the rule within 60 days after
11 the notice of proposed rulemaking.

12 “(5) No provision in this section shall be construed
13 to prevent the Director, at the discretion of such officer,
14 from—

15 “(A) disapproving any information collection re-
16 quest which was not specifically required by an
17 agency rule;

18 “(B) disapproving any collection of information
19 requirement contained in an agency rule, if the
20 agency failed to comply with the requirements of
21 paragraph (1) of this subsection;

22 “(C) disapproving any collection of information
23 requirement contained in a final agency rule, if the
24 Director finds within 60 days after the publication
25 of the final rule that such a collection of information

1 requirement cannot be approved under the standards
2 set forth in section 3508, after reviewing the agen-
3 cy's response to the comments of the Director filed
4 under paragraph (2) of this subsection; or

5 “(D) disapproving any collection of information
6 requirement, if the Director determines that the
7 agency has substantially modified; in the final rule,
8 the collection of information requirement contained
9 in the proposed rule and the agency has not given
10 the Director the information required under para-
11 graph (1) with respect to the modified collection of
12 information requirement, at least 60 days before the
13 issuance of the final rule.

14 “(6) The Director shall make publicly available any
15 decision to disapprove a collection of information require-
16 ment contained in an agency rule, together with the rea-
17 sons for such decision.

18 “(7) The authority of the Director under this sub-
19 section is subject to subsection (e).

20 “(8) This subsection shall apply only when an agency
21 publishes a notice of proposed rulemaking and requests
22 public comments.

23 “(9) The decision of the Director to approve or not
24 to act upon a collection of information requirement con-

1 tained in an agency rule shall not be subject to judicial
2 review.

3 “(j)(1) If the head of the agency, or the senior official
4 designated under section 3506(b)(1), decides to seek ex-
5 tension of the Director’s approval granted for a currently
6 approved collection of information requirement, the agency
7 shall, through the notice prescribed in subsection
8 (a)(2)(B) and such other practicable steps as may be rea-
9 sonable, seek comment from the agencies, and the public
10 on the continued need for, and burden imposed by, the
11 collection of information requirement.

12 “(2) The agency, after having made a reasonable ef-
13 fort to seek comment under paragraph (1), but no later
14 than 60 days before the expiration date of the control
15 number assigned by the Director for the currently ap-
16 proved collection of information requirement, shall—

17 “(A) evaluate the public comments received;

18 “(B) conduct the review established under sec-
19 tion 3506(e); and

20 “(C) provide to the Director the certification re-
21 quired by section 3506(f), including the text of the
22 certification and any additional relevant information
23 regarding how the collection of information require-
24 ment comports with the principles and requirements
25 of this chapter.

1 “(3) Upon receipt of such certification, and prior to
2 the expiration date of the control number for that collec-
3 tion of information requirement, the Director shall—

4 “(A) ensure that the agency has taken the ac-
5 tions specified in section 3506(f)(2);

6 “(B) evaluate the public comments received by
7 the agency or by the Director;

8 “(C) determine whether the agency certification
9 complies with the standards under section
10 3506(f)(1); and

11 “(D) approve or disapprove the collection of in-
12 formation requirement under this chapter.

13 “(4) If under the provisions of paragraph (3), the Di-
14 rector disapproves a collection of information requirement,
15 or recommends or instructs the agency to make a sub-
16 stantive or material change to a collection of information
17 requirement, the Director shall—

18 “(A) publish an explanation thereof in the Fed-
19 eral Register; and

20 “(B) instruct the agency to undertake a rule-
21 making within a reasonable time limited to consider-
22 ation of changes to the collection of information re-
23 quirement and thereafter to submit the collection of
24 information requirement for approval or disapproval
25 under this chapter.

1 “(5) Nothing in this subsection affects the review
2 process for a collection of information requirement con-
3 tained in a proposed rule, including a proposed change to
4 an existing collection of information requirement, under
5 subsection (i) with respect to such collection of informa-
6 tion requirement.

7 “(6) The Director may not approve a collection of
8 information requirement for a period in excess of 3
9 years.”.

10 **SEC. 405. PROTECTION FOR WHISTLEBLOWERS OF UNAU-**
11 **THORIZED PAPERWORK BURDEN.**

12 Section 3507(h) of title 44, United States Code, is
13 amended in the second sentence by inserting before the
14 period “, and any communication relating to a collection
15 of information, the disclosure of which could lead to retal-
16 iation or discrimination against the communicator”.

17 **SEC. 406. ENHANCING PUBLIC PARTICIPATION.**

18 Section 3517 of title 44, United States Code, is
19 amended—

20 (1) by inserting “(a)” before “In development”;
21 and

22 (2) by adding at the end thereof:

23 “(b)(1) Under procedures established by the Direc-
24 tor, a person may request the Director to review any col-

1 lection of information conducted by or for an agency to
2 determine, if—

3 “(A) the collection of information is subject to
4 the requirements of this chapter;

5 “(B) the collection of information has been ap-
6 proved in conformity with this chapter; and

7 “(C) the person that is to respond to the collec-
8 tion of information is entitled to the public protec-
9 tions afforded by this chapter.

10 “(2) Any review requested under paragraph (1), un-
11 less the request is determined frivolous or does not on its
12 face state a valid basis for such review, shall—

13 “(A) be completed by the Director within 60
14 days after receiving the request, unless such period
15 is extended by the Director to a specified date and
16 the person making the request is given notice of
17 such extension;

18 “(B)(i) be coordinated with the agency respon-
19 sible for the collection of information to which the
20 request relates; and

21 “(ii) be coordinated with the Administrator for
22 Federal Procurement Policy, if the request relates to
23 a collection of information applicable to an actual or
24 prospective Federal contractor or subcontractor at
25 any tier; and

1 “(C) result in a written determination by the
2 Director, that shall be—

3 “(i) furnished to the person making the re-
4 quest; and

5 “(ii) made available to the public upon re-
6 quest (and listed and summarized in the annual
7 report required under section 3514); unless con-
8 fidentiality is requested by the person making
9 the request.”.

10 **SEC. 407. EXPEDITING REVIEW OF AN AGENCY INFORMA-**
11 **TION COLLECTION REQUEST WITH A RE-**
12 **DUCED BURDEN.**

13 Section 3507 of title 44, United States Code (as
14 amended by section 404(b) of this Act) is further amended
15 by adding at the end thereof the following new subsection:

16 “(k) Upon request by the head of an agency, the Di-
17 rector shall approve a proposed change to an existing in-
18 formation collection request (unless such proposed change
19 is subject to subsection (i)) within 30 days after the Direc-
20 tor receives the proposed change. The information collec-
21 tion request shall thereafter remain in effect at least for
22 the remainder of the period for which it was previously
23 approved by the Director, if—

24 “(1) the information collection request has a
25 current control number; and

“(2) the Director determines that the revision—

“(A) reduces the burden resulting from the information collection request; and

“(B) does not substantially change the information collection request.”.

TITLE V—ENHANCING AGENCY RESPONSIBILITY FOR SHARING AND DISSEMINATING PUBLIC INFORMATION

SEC. 501. PRESCRIBING GOVERNMENTWIDE STANDARDS FOR SHARING AND DISSEMINATING PUBLIC INFORMATION.

Section 3504(h) of title 44, United States Code, is amended to read as follows:

“(h) The functions of the Director related to agency dissemination and sharing of public information shall include—

“(1) developing policies and practices for agency dissemination and sharing of public information consistent with the agency responsibilities under section 3506(g); and

“(2) developing policy guidelines that instruct Federal agencies on ways to fulfill agency respon-

1 sibilities to disseminate and share information that,
2 to the extent appropriate and practicable—

3 “(A) make information dissemination prod-
4 ucts available on timely, equitable and cost
5 effective terms;

6 “(B) encourage a diversity of public and
7 private information dissemination products;

8 “(C) avoid establishing, or permitting oth-
9 ers to establish, exclusive, restricted, or other
10 distribution arrangements that interfere with
11 the availability of information dissemination
12 products on a timely and equitable basis; and

13 “(D) avoid establishing restrictions or reg-
14 ulations, including the charging of fees or royal-
15 ties, on the reuse, resale, or redissemination of
16 Federal information dissemination products by
17 the public; and

18 “(E) set user charges for information dis-
19 semination products at a level sufficient to re-
20 cover the cost of dissemination, except—

21 “(i) where otherwise required by stat-
22 ute;

23 “(ii) where the information is col-
24 lected, processed, and disseminated for the

benefit of a specific identifiable group beyond the benefit to the general public; or “(iii) where user charges are established at less than cost of dissemination because of a determination that higher charges would interfere with the proper performance of the agency’s functions.”.

**SEC. 502. AGENCY RESPONSIBILITIES FOR SHARING AND
DISSEMINATING PUBLIC INFORMATION.**

Section 3506 of title 44, United States Code (as amended by sections 301 and 302 of this Act) is further amended by adding at the end thereof the following new subsection:

“(g) The head of each agency shall, to the extent appropriate and practicable, and in conformance with the policy guidelines established under section 3504(h), establish and maintain a management system for the dissemination and sharing of information that—

“(1) ensures that the public has timely, equitable and cost effective access to the agency’s information dissemination products;

“(2) disseminates and shares information in a manner that achieves the best balance between maximizing the usefulness of the information and minimizing the cost to the Government and the public;

1 “(3) takes advantage of all appropriate chan-
 2 nels, Federal and non-Federal, including State and
 3 local governments, libraries and private sector enti-
 4 ties, in discharging agency responsibilities for the
 5 dissemination and sharing of information;

6 “(4) considers whether an information dissemi-
 7 nation product available from other Federal or non-
 8 Federal sources is equivalent to an agency informa-
 9 tion dissemination product and reasonably achieves
 10 the objectives of the agency;

11 “(5) establishes and maintains inventories of all
 12 agency information dissemination products in con-
 13 formance with the requirements of section 3511;

14 “(6) establishes and maintains communications
 15 with members of the public and with State and local
 16 governments so that the agency shares information
 17 and otherwise creates information dissemination
 18 products that meet their respective needs; and

19 “(7) provides adequate notice when initiating,
 20 substantially modifying, or terminating significant
 21 information dissemination products.”.

22 **SEC. 503. AGENCY INFORMATION INVENTORY/LOCATOR**
 23 **SYSTEM.**

24 (a) IN GENERAL.—Section 3511 of title 44, United
 25 States Code, is amended to read as follows:

1 **“§ 3511. Inventory systems of information dissemina-**
 2 **tion products**

3 “(a) Each agency having significant information dis-
 4 semination products shall establish and maintain a com-
 5 prehensive inventory of such products, which shall include,
 6 at a minimum, the title of each such product, an abstract
 7 of the contents of each product, the media in which each
 8 product is available, and the cost, if any, of each product,
 9 subject to any requirements promulgated pursuant to sub-
 10 section (c).

11 “(b) The inventory created pursuant to subsection (a)
 12 shall be made available for public access by electronic
 13 means, and in such other media as are appropriate and
 14 practicable, at no charge to the public.

15 “(c) The Director, in consultation with the Secretary
 16 of Commerce, the Archivist of the United States, the Pub-
 17 lic Printer, and the Librarian of Congress, may establish
 18 a mechanism for developing technical standards and other
 19 minimum requirements for the agency inventory systems
 20 created under subsection (a).”.

21 (b) **TECHNICAL AND CONFORMING AMENDMENT.—**
 22 The table of sections for chapter 35 of title 44, United
 23 States Code, is amended by amending the item relating
 24 to section 3511 to read as follows:

“3511. Inventory systems of information dissemination products.”.

1 **TITLE VI—ADDITIONAL GOVERN-**
2 **MENT INFORMATION MAN-**
3 **AGEMENT RESPONSIBILITY**

4 **SEC. 601. STRENGTHENING THE STATISTICAL POLICY AND**
5 **COORDINATION FUNCTIONS OF THE DIREC-**
6 **TOR.**

7 Section 3504(d) of title 44, United States Code, is
8 amended to read as follows:

9 “(d)(1) The statistical policy and coordination func-
10 tions of the Director shall include—

11 “(A) coordinating and providing leadership for
12 development of the Federal statistical system;

13 “(B) developing and periodically reviewing and,
14 as necessary, revising long-range plans for the im-
15 proved coordination and performance of the statis-
16 tical activities and programs of the Federal Govern-
17 ment;

18 “(C) ensuring the integrity, objectivity, impar-
19 tiality and confidentiality of the Federal statistical
20 system;

21 “(D) reviewing budget proposals of agencies to
22 ensure that the proposals are consistent with such
23 long range plans and developing a summary and
24 analysis of the budget submitted by the President to

1 the Congress for each fiscal year of the allocation for
2 all statistical activities;

3 “(E) coordinating, through the review of budget
4 proposals and as otherwise provided under this chap-
5 ter, the functions of the Federal Government with
6 respect to gathering, interpreting and sharing statis-
7 tics and statistical information;

8 “(F) developing and implementing Government-
9 wide policies, principles, standards and guidelines
10 concerning statistical collection procedures and
11 methods, statistical data classification, statistical in-
12 formation presentation and sharing, and such statis-
13 tical data sources as may be required for the admin-
14 istration of Federal programs;

15 “(G) evaluating statistical program perform-
16 ance and agency compliance with Governmentwide
17 policies, principles, standards and guidelines;

18 “(H) promoting the timely release by agencies
19 of statistical data to the public;

20 “(I) coordinating the participation of the
21 United States in international statistical activities;

22 “(J) preparing an annual report to submit to
23 the Congress on the statistical policy and coordina-
24 tion function;

1 “(K) integrating the functions described under
2 this paragraph with the other information resources
3 management functions specified under this chapter;
4 and

5 “(L) appointing a chief statistician who is a
6 trained and experienced professional to carry out the
7 functions described under this paragraph.

8 “(2) The Director shall establish an interagency
9 working group on statistical policy, consisting of the heads
10 of the agencies with major statistical programs, headed
11 by the chief statistician to coordinate agency activities in
12 carrying out the functions under paragraph (1).

13 “(3) The Director shall provide opportunities for long
14 term training in the statistical policy functions of the chief
15 statistician to employees of the Federal Government. Each
16 trainee shall be selected at the discretion of the Director
17 based on agency requests and shall serve for at least 6
18 months and no more than 1 year. All costs of the training
19 are to be paid by the agency requesting training.”.

20 **SEC. 602. USE OF ELECTRONIC INFORMATION COLLECTION**
21 **AND DISSEMINATION TECHNIQUES TO RE-**
22 **DUCE BURDEN.**

23 Section 3504(g)(1) of title 44, United States Code,
24 is amended—

(1) by inserting "development and" after
"overseeing the"; and

(2) by inserting "(including standards that improve the ability of agencies to use technology to reduce burden)" after "establishment of standards".

SEC. 603. AGENCY IMPLEMENTATION.

Section 3514(a) of title 44, United States Code, is amended—

(1) in paragraph (9)(C) by striking out "and" at the end thereof;

(2) in paragraph (10)(C) by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(11) a listing of any increase in the burden imposed on the public during the year covered by the report resulting from a collection of information conducted or sponsored by or for an agency, which was imposed by such agency—

"(A) as specifically mandated by the provision of a statute; or

"(B) as necessary to implement a statutory requirement, which requirement shall be identified with particularity; and

1 “(12) a description of each such agency’s ef-
 2 forts in implementing, and plans to implement, the
 3 applicable policies, standards and guidelines with re-
 4 spect to the functions under this chapter; and

5 “(13) a strategic information resources man-
 6 agement plan for the Federal Government, developed
 7 in consultation with the Administrator of General
 8 Services, the Secretary of Commerce, and the Archi-
 9 vist of the United States, that includes an analysis
 10 of cross-cutting issues of Governmentwide impor-
 11 tance.”.

12 **SEC. 604. AUTOMATIC DATA PROCESSING EQUIPMENT**
 13 **PLAN.**

14 Section 3504(g) of title 44, United States Code, is
 15 amended—

16 (1) by redesignating paragraphs (3), (4), and
 17 (5) as paragraphs (4), (5), and (6), respectively; and
 18 (2) by inserting after paragraph (2) the follow-
 19 ing new paragraph:

20 “(3) developing and annually revising, in con-
 21 sultation with the Administrator of General Services,
 22 a 5-year plan for meeting the automatic data proc-
 23 essing equipment (including telecommunications)
 24 and other information technology needs of the Fed-
 25 eral Government in accordance with the require-

ments of sections ~~110~~ and ~~111~~ of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759) and the purposes of this chapter.”.

SEC. 605. TECHNICAL AND CONFORMING AMENDMENTS.

(a) **DEFINITIONS.**—Section 3502(10) of title 44, United States Code, is amended by striking out “the Federal Housing Finance Board” and inserting in lieu thereof “Federal Housing Finance Board”.

(b) **REVIEW PERIODS.**—Section 3507(g)(1) of title 44, United States Code, is amended to read as follows: “(1) is needed prior to the expiration of the time periods for public notice and review by the Director pursuant to the requirements of this chapter.”.

(c) **DIRECTOR REVIEW.**—Section 3513(a) of title 44, United States Code, is amended in the first sentence by inserting “resources” after “information”.

(d) **RESPONSIVENESS.**—Section 3514(a) of title 44, United States Code, is amended—

(1) in paragraph (9)(A) by inserting “and” at the end thereof;

(2) in paragraph (9)(B) by striking out the semicolon and inserting a period; and

(3) by striking out paragraph (9)(C).

~~TITLE VII—EFFECTIVE DATES~~

2 SEC. 701. EFFECTIVE DATES.

3 (a) IN GENERAL.—Except as provided in subsection
4 (b), the provisions of this Act shall become effective 120
5 days after the date of the enactment of this Act.

6 (b) ~~IN PARTICULAR.~~—Section 101 shall become effec-
7 tive upon the date of the enactment of this Act.

8 SECTION 1. SHORT TITLE.

9 *This Act may be cited as the “Paperwork Reduction*
10 *Act of 1994”.*

11 SEC. 2. COORDINATION OF FEDERAL INFORMATION POL-
12 ICY.

Chapter 35 of title 44, United States Code, is amended
to read as follows:

15 **“CHAPTER 35—COORDINATION OF**
16 **FEDERAL INFORMATION POLICY**

"Sec.

"3501. *Purposes.*

"3502. *Definitions.*

"3503. Office of Information and Regulatory Affairs.

"3504. Authority and functions of Director.

"3505. Assignment of tasks and deadlines.

"3506. *Federal agency responsibilities.*

"3507. Public information collection activities; submission to Director; approval and delegation.

"3508. Determination of necessity for information; hearing.

"3509. *Designation of central collection agency.*

"3510. Cooperation of agencies in making information available.

"3511. Establishment and operation of Government Information Locator Service.

"3512. *Public protection.*

"3513. Director review of agency activities; reporting; agency response.

"3514. *Responsiveness to Congress.*

"3515. *Administrative powers.*

"3516. *Rules and regulations.*

"3517. Consultation with other agencies and the public.

"3518. *Effect on existing laws and regulations.*

"3519. Access to information.

"3520. Authorization of appropriations.

1 **"§ 3501. Purposes**

2 *"The purposes of this chapter are to—*

3 *"(1) minimize the paperwork burden for individ-*
4 *uals, small businesses, educational and nonprofit in-*
5 *stitutions, Federal contractors, State, local and tribal*
6 *governments, and other persons resulting from the col-*
7 *lection of information by or for the Federal Govern-*
8 *ment;*

9 *"(2) ensure the greatest possible public benefit*
10 *from and maximize the utility of information created,*
11 *collected, maintained, used, shared and disseminated*
12 *by or for the Federal Government;*

13 *"(3) coordinate, integrate, and to the extent*
14 *practicable and appropriate, make uniform Federal*
15 *information resources management policies and prac-*
16 *tices as a means to improve the productivity, effi-*
17 *ciency, and effectiveness of Government programs, in-*
18 *cluding the reduction of information collection bur-*
19 *dens on the public and the improvement of service de-*
20 *livery to the public;*

21 *"(4) improve the quality and use of Federal in-*
22 *formation to strengthen decisionmaking, accountabil-*
23 *ity, and openness in Government and society;*

1 “(5) minimize the cost to the Federal Govern-
2 ment of the creation, collection, maintenance, use, dis-
3 semination, and disposition of information;

4 “(6) strengthen the partnership between the Fed-
5 eral Government and State, local, and tribal govern-
6 ments by minimizing the burden and maximizing the
7 utility of information created, collected, maintained,
8 used, disseminated, and retained by or for the Federal
9 Government;

10 “(7) provide for the dissemination of public in-
11 formation on a timely basis, on equitable terms, and
12 in a manner that promotes the utility of the informa-
13 tion to the public and makes effective use of informa-
14 tion technology;

15 “(8) ensure that the creation, collection, mainte-
16 nance, use, dissemination, and disposition of infor-
17 mation by or for the Federal Government is consistent
18 with applicable laws, including laws relating to—

19 “(A) privacy and confidentiality, including
20 section 552a of title 5;

21 “(B) security of information, including the
22 Computer Security Act of 1987 (Public Law
23 100-235); and

24 “(C) access to information, including sec-
25 tion 552 of title 5;

1 “(9) ensure the integrity, quality, and utility of
2 *the Federal statistical system;*

3 “(10) ensure that information technology is ac-
4 *quired, used, and managed to improve performance of*
5 *agency missions, including the reduction of informa-*
6 *tion collection burdens on the public; and*

7 “(11) improve the responsibility and account-
8 *ability of the Office of Management and Budget and*
9 *all other Federal agencies to Congress and to the pub-*
10 *lic for implementing the information collection review*
11 *process, information resources management, and re-*
12 *lated policies and guidelines established under this*
13 *chapter.*

14 **“§ 3502. Definitions**

15 *“As used in this chapter—*

16 “(1) the term ‘agency’ means any executive de-
17 *partment, military department, Government corpora-*
18 *tion, Government controlled corporation, or other es-*
19 *tablishment in the executive branch of the Government*
20 *(including the Executive Office of the President), or*
21 *any independent regulatory agency, but does not in-*
22 *clude—*

23 “(A) the General Accounting Office;

24 “(B) Federal Election Commission;

1 “(C) the governments of the District of Co-
2 lumbia and of the territories and possessions of
3 the United States, and their various subdivi-
4 sions; or

5 “(D) Government-owned contractor-operated
6 facilities, including laboratories engaged in na-
7 tional defense research and production activities;

8 “(2) the term ‘burden’ means time, effort, or fi-
9 nancial resources expended by persons to generate,
10 maintain, or provide information to or for a Federal
11 agency, including the resources expended for—

12 “(A) reviewing instructions;

13 “(B) acquiring, installing, and utilizing
14 technology and systems;

15 “(C) adjusting the existing ways to comply
16 with any previously applicable instructions and
17 requirements;

18 “(D) searching data sources;

19 “(E) completing and reviewing the collec-
20 tion of information; and

21 “(F) transmitting, or otherwise disclosing
22 the information;

23 “(3) the term ‘collection of information’ means
24 the obtaining, causing to be obtained, soliciting, or re-
25 quiring the disclosure to third parties or the public,

1 of facts or opinions by or for an agency, regardless
2 of form or format, calling for either—

3 “(A) answers to identical questions posed to,
4 or identical reporting or recordkeeping require-
5 ments imposed on, ten or more persons, other
6 than agencies, instrumentalities, or employees of
7 the United States; or

8 “(B) answers to questions posed to agencies,
9 instrumentalities, or employees of the United
10 States which are to be used for general statistical
11 purposes;

12 “(4) the term ‘Director’ means the Director of the
13 Office of Management and Budget;

14 “(5) the term ‘independent regulatory agency’
15 means the Board of Governors of the Federal Reserve
16 System, the Commodity Futures Trading Commis-
17 sion, the Consumer Product Safety Commission, the
18 Federal Communications Commission, the Federal
19 Deposit Insurance Corporation, the Federal Energy
20 Regulatory Commission, the Federal Housing Fi-
21 nance Board, the Federal Maritime Commission, the
22 Federal Trade Commission, the Interstate Commerce
23 Commission, the Mine Enforcement Safety and
24 Health Review Commission, the National Labor Rela-
25 tions Board, the Nuclear Regulatory Commission, the

1 *Occupational Safety and Health Review Commission,*
2 *the Postal Rate Commission, the Securities and Ex-*
3 *change Commission, and any other similar agency*
4 *designated by statute as a Federal independent regu-*
5 *latory agency or commission;*

6 “(6) the term ‘information resources’ means in-
7 *formation and related resources, such as personnel,*
8 *equipment, funds, and information technology;*

9 “(7) the term ‘information resources manage-
10 *ment’ means the process of managing information re-*
11 *sources to accomplish agency missions and to improve*
12 *agency performance, including through the reduction*
13 *of information collection burdens on the public;*

14 “(8) the term ‘information system’ means a dis-
15 *crete set of information resources and processes, auto-*
16 *mated or manual, organized for the collection, proc-*
17 *essing, maintenance, use, sharing, dissemination, or*
18 *disposition of information;*

19 “(9) the term ‘information technology’ has the
20 *same meaning as the term ‘automatic data processing*
21 *equipment’ as defined by section 111(a)(2) of the Fed-*
22 *eral Property and Administrative Services Act of*
23 *1949 (40 U.S.C. 759(a)(2));*

24 “(10) the term ‘person’ means an individual,
25 *partnership, association, corporation, business trust,*

1 or legal representative, an organized group of individ-
2 uals, a State, territorial, or local government or
3 branch thereof, or a political subdivision of a State,
4 territory, or local government or a branch of a politi-
5 cal subdivision;

6 “(11) the term ‘practical utility’ means the abil-
7 ity of an agency to use information, particularly the
8 capability to process such information in a timely
9 and useful fashion;

10 “(12) the term ‘public information’ means any
11 information, regardless of form or format, that an
12 agency discloses, disseminates, or makes available to
13 the public; and

14 “(13) the term ‘recordkeeping requirement’
15 means a requirement imposed by or for an agency on
16 persons to maintain specified records.

17 **“§ 3503. Office of Information and Regulatory Affairs**

18 “(a) There is established in the Office of Management
19 and Budget an office to be known as the Office of Informa-
20 tion and Regulatory Affairs.

21 “(b) There shall be at the head of the Office an Admin-
22 istrator who shall be appointed by the President, by and
23 with the advice and consent of the Senate. The Director
24 shall delegate to the Administrator the authority to admin-
25 ister all functions under this chapter, except that any such

1 *delegation shall not relieve the Director of responsibility for*
 2 *the administration of such functions. The Administrator*
 3 *shall serve as principal adviser to the Director on Federal*
 4 *information resources management policy.*

5 “(c) *The Administrator and employees of the Office of*
 6 *Information and Regulatory Affairs shall be appointed with*
 7 *special attention to professional qualifications required to*
 8 *administer the functions of the Office described under this*
 9 *chapter. Such qualifications shall include relevant edu-*
 10 *cation, work experience, or related professional activities.*

11 **“§3504. Authority and functions of Director**

12 “(a)(1) *The Director shall oversee the use of informa-*
 13 *tion resources to improve the efficiency and effectiveness of*
 14 *governmental operations to serve agency missions, includ-*
 15 *ing service delivery to the public. In performing such over-*
 16 *sight, the Director shall—*

17 “(A) *develop, coordinate and oversee the imple-*
 18 *mentation of Federal information resources manage-*
 19 *ment policies, principles, standards, and guidelines;*
 20 *and*

21 “(B) *provide direction and oversee—*

22 “(i) *the review of the collection of informa-*
 23 *tion and the reduction of the information collec-*
 24 *tion burden;*

1 “(ii) agency dissemination of and public
2 access to information;

3 “(iii) statistical activities;

4 “(iv) records management activities;

5 “(v) privacy, confidentiality, security, dis-
6 closure, and sharing of information; and

7 “(vi) the acquisition and use of information
8 technology.

9 “(2) The authority of the Director under this chapter
10 shall be exercised consistent with applicable law.

11 “(b) With respect to general information resources
12 management policy, the Director shall—

13 “(1) develop and oversee the implementation of
14 uniform information resources management policies,
15 principles, standards, and guidelines;

16 “(2) foster greater sharing, dissemination, and
17 access to public information, including through—

18 “(A) the use of the Government Information
19 Locator Service; and

20 “(B) the development and utilization of
21 common standards for information collection,
22 storage, processing and communication, includ-
23 ing standards for security, interconnectivity and
24 interoperability;

1 “(3) initiate and review proposals for changes in
2 legislation, regulations, and agency procedures to im-
3 prove information resources management practices;

4 “(4) oversee the development and implementation
5 of best practices in information resources manage-
6 ment, including training; and

7 “(5) oversee agency integration of program and
8 management functions with information resources
9 management functions.

10 “(c) With respect to the collection of information and
11 the control of paperwork, the Director shall—

12 “(1) review proposed agency collections of infor-
13 mation; and in accordance with section 3508, deter-
14 mine whether the collection of information by or for
15 an agency is necessary for the proper performance of
16 the functions of the agency, including whether the in-
17 formation shall have practical utility;

18 “(2) coordinate the review of the collection of in-
19 formation associated with Federal procurement and
20 acquisition by the Office of Information and Regu-
21 latory Affairs with the Office of Federal Procurement
22 Policy, with particular emphasis on applying infor-
23 mation technology to improve the efficiency and effec-
24 tiveness of Federal procurement and acquisition and

1 to reduce information collection burdens on the pub-
2 lic;

3 “(3) minimize the Federal information collection
4 burden, with particular emphasis on those individ-
5 uals and entities most adversely affected;

6 “(4) maximize the practical utility of and public
7 benefit from information collected by or for the Fed-
8 eral Government; and

9 “(5) establish and oversee standards and guide-
10 lines by which agencies are to estimate the burden to
11 comply with a proposed collection of information.

12 “(d) With respect to information dissemination, the
13 Director shall develop and oversee the implementation of
14 policies, principles, standards, and guidelines to—

15 “(1) apply to Federal agency dissemination of
16 public information, regardless of the form or format
17 in which such information is disseminated; and

18 “(2) promote public access to public information
19 and fulfill the purposes of this chapter, including
20 through the effective use of information technology.

21 “(e) With respect to statistical policy and coordina-
22 tion, the Director shall—

23 “(1) coordinate the activities of the Federal sta-
24 tistical system to ensure—

1 “(A) the efficiency and effectiveness of the
2 system; and

3 “(B) the integrity, objectivity, impartiality,
4 utility, and confidentiality of information col-
5 lected for statistical purposes;

6 “(2) ensure that budget proposals of agencies are
7 consistent with system-wide priorities for maintain-
8 ing and improving the quality of Federal statistics
9 and prepare an annual report on statistical program
10 funding;

11 “(3) develop and oversee the implementation of
12 Governmentwide policies, principles, standards, and
13 guidelines concerning—

14 “(A) statistical collection procedures and
15 methods;

16 “(B) statistical data classification;

17 “(C) statistical information presentation
18 and dissemination;

19 “(D) timely release of statistical data; and

20 “(E) such statistical data sources as may be
21 required for the administration of Federal pro-
22 grams;

23 “(4) evaluate statistical program performance
24 and agency compliance with Governmentwide poli-
25 cies, principles, standards and guidelines;

1 “(5) promote the sharing of information collected
2 for statistical purposes consistent with privacy rights
3 and confidentiality pledges;

4 “(6) coordinate the participation of the United
5 States in international statistical activities, including
6 the development of comparable statistics;

7 “(7) appoint a chief statistician who is a trained
8 and experienced professional statistician to carry out
9 the functions described under this subsection;

10 “(8) establish an Interagency Council on Statis-
11 tical Policy to advise and assist the Director in car-
12 rying out the functions under this subsection that
13 shall—

14 “(A) be headed by the chief statistician; and

15 “(B) consist of—

16 “(i) the heads of the major statistical
17 programs; and

18 “(ii) representatives of other statistical
19 agencies under rotating membership; and

20 “(9) provide opportunities for training in statis-
21 tical policy functions to employees of the Federal Gov-
22 ernment under which—

23 “(A) each trainee shall be selected at the
24 discretion of the Director based on agency re-
25 quests and shall serve under the chief statistician

1 *for at least 6 months and not more than 1 year;*
2 *and*

3 *“(B) all costs of the training shall be paid*
4 *by the agency requesting training.*

5 *“(f) With respect to records management, the Director*
6 *shall—*

7 *“(1) provide advice and assistance to the Archi-*
8 *vist of the United States and the Administrator of*
9 *General Services to promote coordination in the ad-*
10 *ministration of chapters 29, 31, and 33 of this title*
11 *with the information resources management policies,*
12 *principles, standards, and guidelines established*
13 *under this chapter;*

14 *“(2) review compliance by agencies with—*

15 *“(A) the requirements of chapters 29, 31,*
16 *and 33 of this title; and*

17 *“(B) regulations promulgated by the Archi-*
18 *vist of the United States and the Administrator*
19 *of General Services; and*

20 *“(3) oversee the application of records manage-*
21 *ment policies, principles, standards, and guidelines,*
22 *including requirements for archiving information*
23 *maintained in electronic format, in the planning and*
24 *design of information systems.*

1 “(g) With respect to privacy and security, the Director
2 shall—

3 “(1) develop and oversee the implementation of
4 policies, principles, standards, and guidelines on pri-
5 vacy, confidentiality, security, disclosure and sharing
6 of information collected or maintained by or for agen-
7 cies;

8 “(2) oversee and coordinate compliance with sec-
9 tions 552 and 552a of title 5, the Computer Security
10 Act of 1987 (40 U.S.C. 759 note), and related infor-
11 mation management laws; and

12 “(3) require Federal agencies, consistent with the
13 Computer Security Act of 1987 (40 U.S.C. 759 note),
14 to identify and afford security protections commensu-
15 rate with the risk and magnitude of the harm result-
16 ing from the loss, misuse, or unauthorized access to
17 or modification of information collected or main-
18 tained by or on behalf of an agency.

19 “(h) With respect to Federal information technology,
20 the Director shall—

21 “(1) in consultation with the Director of the Na-
22 tional Institute of Standards and Technology and the
23 Administrator of General Services—

24 “(A) develop and oversee the implementa-
25 tion of policies, principles, standards, and guide-

1 *lines for information technology functions and*
2 *activities of the Federal Government, including*
3 *periodic evaluations of major information sys-*
4 *tems; and*

5 “(B) oversee the development and imple-
6 mentation of standards under section 111(d) of
7 the Federal Property and Administrative Serv-
8 ices Act of 1949 (40 U.S.C. 759(d));

9 “(2) monitor the effectiveness of, and compliance
10 with, directives issued under sections 110 and 111 of
11 the Federal Property and Administrative Services Act
12 of 1949 (40 U.S.C. 757 and 759) and review proposed
13 determinations under section 111(e) of such Act;

14 “(3) coordinate the development and review by
15 the Office of Information and Regulatory Affairs of
16 policy associated with Federal procurement and ac-
17 quisition of information technology with the Office of
18 Federal Procurement Policy;

19 “(4) ensure, through the review of agency budget
20 proposals, information resources management plans
21 and other means—

22 “(A) agency integration of information re-
23 sources management plans, program plans and
24 budgets for acquisition and use of information
25 technology; and

1 “(B) the efficiency and effectiveness of inter-
2 agency information technology initiatives to im-
3 prove agency performance and the accomplish-
4 ment of agency missions; and

5 “(5) promote the use of information technology
6 by the Federal Government to improve the productiv-
7 ity, efficiency, and effectiveness of Federal programs,
8 including through dissemination of public informa-
9 tion and the reduction of information collection bur-
10 dens on the public.

11 **“§ 3505. Assignment of tasks and deadlines**

12 *“In carrying out the functions under this chapter, the*
13 *Director shall—*

14 “(1) in consultation with agency heads, set an
15 annual Governmentwide goal for the reduction of in-
16 formation collection burdens by at least five percent,
17 and set annual agency goals to—

18 “(A) reduce information collection burdens
19 imposed on the public that—

20 “(i) represent the maximum prac-
21 ticable opportunity in each agency; and

22 “(ii) are consistent with improving
23 agency management of the process for the
24 review of collections of information estab-
25 lished under section 3506(c); and

1 “(B) improve information resources man-
2 agement in ways that increase the productivity,
3 efficiency and effectiveness of Federal programs,
4 including service delivery to the public;

5 “(2) with selected agencies and non-Federal enti-
6 ties on a voluntary basis, conduct pilot projects to test
7 alternative policies, practices, regulations, and proce-
8 dures to fulfill the purposes of this chapter, particu-
9 larly with regard to minimizing the Federal informa-
10 tion collection burden;

11 “(3) in consultation with the Administrator of
12 General Services, the Director of the National Insti-
13 tute of Standards and Technology, the Archivist of the
14 United States, and the Director of the Office of Per-
15 sonnel Management, develop and maintain a Govern-
16 mentwide strategic plan for information resources
17 management, that shall include—

18 “(A) a description of the objectives and the
19 means by which the Federal Government shall
20 apply information resources to improve agency
21 and program performance;

22 “(B) plans for—

23 “(i) reducing information burdens on
24 the public, including reducing such burdens
25 through the elimination of duplication and

1 meeting shared data needs with shared re-
2 sources;

3 “(ii) enhancing public access to and
4 dissemination of, information, using elec-
5 tronic and other formats; and

6 “(iii) meeting the information tech-
7 nology needs of the Federal Government in
8 accordance with the requirements of sections
9 110 and 111 of the Federal Property and
10 Administrative Services Act of 1949 (40
11 U.S.C. 757 and 759), and the purposes of
12 this chapter; and

13 “(C) a description of progress in applying
14 information resources management to improve
15 agency performance and the accomplishment of
16 missions; and

17 “(4) in cooperation with the Administrator of
18 General Services, issue guidelines for the establish-
19 ment and operation in each agency of a process, as
20 required under section 3506(h)(5) of this chapter, to
21 review major information systems initiatives, includ-
22 ing acquisition and use of information technology.

23 **“§ 3506. Federal agency responsibilities**

24 “(a)(1) The head of each agency shall be responsible
25 for—

1 “(A) carrying out the agency’s information re-
2 sources management activities to improve agency pro-
3 ductivity, efficiency, and effectiveness; and

4 “(B) complying with the requirements of this
5 chapter and related policies established by the Direc-
6 tor.

7 “(2)(A) Except as provided under subparagraph (B),
8 the head of each agency shall designate a senior official who
9 shall report directly to such agency head to carry out the
10 responsibilities of the agency under this chapter.

11 “(B) The Secretary of the Department of Defense and
12 the Secretary of each military department may each des-
13 ignate a senior official who shall report directly to such
14 Secretary to carry out the responsibilities of the department
15 under this chapter. If more than one official is designated
16 for the military departments, the respective duties of the
17 officials shall be clearly delineated.

18 “(3) The senior official designated under paragraph
19 (2) shall head an office responsible for ensuring agency com-
20 pliance with and prompt, efficient, and effective implemen-
21 tation of the information policies and information resources
22 management responsibilities established under this chapter,
23 including the reduction of information collection burdens
24 on the public. The senior official and employees of such of-
25 fice shall be selected with special attention to the profes-

1 sional qualifications required to administer the functions
2 described under this chapter.

3 “(4) Each agency program official shall be responsible
4 and accountable for information resources assigned to and
5 supporting the programs under such official. In consulta-
6 tion with the senior official designated under paragraph (2)
7 and the agency Chief Financial Officer (or comparable offi-
8 cial), each agency program official shall define program in-
9 formation needs and develop strategies, systems, and capa-
10 bilities to meet those needs.

11 “(5) The head of each agency shall establish a perma-
12 nent information resources management steering committee,
13 which shall be chaired by the senior official designated
14 under paragraph (2) and shall include senior program offi-
15 cials and the Chief Financial Officer (or comparable offi-
16 cial). Each steering committee shall—

17 “(A) assist and advise the head of the agency in
18 carrying out information resources management re-
19 sponsibilities of the agency;

20 “(B) assist and advise the senior official des-
21 ignated under paragraph (2) in the establishment of
22 performance measures for information resources man-
23 agement that relate to program missions;

24 “(C) select, control, and evaluate all major infor-
25 mation system initiatives (including acquisitions of

1 information technology) in accordance with the re-
2 quirements of subsection (h)(5); and

3 “(D) identify opportunities to redesign business
4 practices and supporting information systems to im-
5 prove agency performance.

6 “(b) With respect to general information resources
7 management, each agency shall—

8 “(1) develop information systems, processes, and
9 procedures to—

10 “(A) reduce information collection burdens
11 on the public;

12 “(B) increase program efficiency and effec-
13 tiveness; and

14 “(C) improve the integrity, quality, and
15 utility of information to all users within and
16 outside the agency, including capabilities for en-
17 suring dissemination of public information, pub-
18 lic access to government information, and protec-
19 tions for privacy and security;

20 “(2) in accordance with guidance by the Direc-
21 tor, develop and maintain a strategic information re-
22 sources management plan that shall describe how in-
23 formation resources management activities help ac-
24 complish agency missions;

1 “(3) develop and maintain an ongoing process
2 to—

3 “(A) ensure that information resources
4 management operations and decisions are inte-
5 grated with organizational planning, budget, fi-
6 nancial management, human resources manage-
7 ment, and program decisions;

8 “(B) develop and maintain an integrated,
9 comprehensive and controlled process of informa-
10 tion systems selection, development, and evalua-
11 tion;

12 “(C) in cooperation with the agency Chief
13 Financial Officer (or comparable official), de-
14 velop a full and accurate accounting of informa-
15 tion technology expenditures, related expenses,
16 and results; and

17 “(D) establish goals for improving informa-
18 tion resources management’s contribution to pro-
19 gram productivity, efficiency, and effectiveness,
20 methods for measuring progress towards those
21 goals, and clear roles and responsibilities for
22 achieving those goals;

23 “(4) in consultation with the Director, the Ad-
24 ministrators of General Services, and the Archivist of
25 the United States, maintain a current and complete

1 inventory of the agency's information resources, in-
2 cluding directories necessary to fulfill the require-
3 ments of section 3511 of this chapter; and

4 “(5) in consultation with the Director and the
5 Director of the Office of Personnel Management, con-
6 duct formal training programs to educate agency pro-
7 gram and management officials about information re-
8 sources management.

9 “(c) With respect to the collection of information and
10 the control of paperwork, each agency shall—

11 “(1) establish a process within the office headed
12 by the official designated under subsection (a), that is
13 sufficiently independent of program responsibility to
14 evaluate fairly whether proposed collections of infor-
15 mation should be approved under this chapter, to—

16 “(A) review each collection of information
17 before submission to the Director for review
18 under this chapter, including—

19 “(i) an evaluation of the need for the
20 collection of information;

21 “(ii) a functional description of the in-
22 formation to be collected;

23 “(iii) a plan for the collection of the
24 information;

1 “(iv) a specific, objectively supported
2 estimate of burden;

3 “(v) a test of the collection of informa-
4 tion through a pilot program, if appro-
5 priate; and

6 “(vi) a plan for the efficient and effec-
7 tive management and use of the information
8 to be collected, including necessary re-
9 sources;

10 “(B) ensure that each information collec-
11 tion—

12 “(i) is inventoried, displays a control
13 number and, if appropriate, an expiration
14 date;

15 “(ii) indicates the collection is in ac-
16 cordance with the clearance requirements of
17 section 3507; and

18 “(iii) contains a statement to inform
19 the person receiving the collection of infor-
20 mation—

21 “(I) the reasons the information is
22 being collected;

23 “(II) the way such information is
24 to be used;

1 “(III) an estimate, to the extent
2 practicable, of the burden of the collec-
3 tion; and

4 “(IV) whether responses to the col-
5 lection of information are voluntary,
6 required to obtain a benefit, or manda-
7 tory; and

8 “(C) assess the information collection bur-
9 den of proposed legislation affecting the agency;

10 “(2)(A) except as provided under subparagraph
11 (B), provide 60-day notice in the Federal Register,
12 and otherwise consult with members of the public and
13 affected agencies concerning each proposed collection
14 of information, to solicit comment to—

15 “(i) evaluate whether the proposed collection
16 of information is necessary for the proper per-
17 formance of the functions of the agency, includ-
18 ing whether the information shall have practical
19 utility;

20 “(ii) evaluate the accuracy of the agency’s
21 estimate of the burden of the proposed collection
22 of information;

23 “(iii) enhance the quality, utility, and clar-
24 ity of the information to be collected; and

1 “(iv) minimize the burden of the collection
2 of information on those who are to respond, in-
3 cluding through the use of automated collection
4 techniques or other forms of information tech-
5 nology; and

6 “(B) for any proposed collection of information
7 contained in a proposed rule (to be reviewed by the
8 Director under section 3507(d)), provide notice and
9 comment through the notice of proposed rulemaking
10 for the proposed rule and such notice shall have the
11 same purposes specified under subparagraph (A) (i)
12 through (iv); and

13 “(3) certify (and provide a record supporting
14 such certification, including public comments received
15 by the agency) that each collection of information
16 submitted to the Director for review under section
17 3507—

18 “(A) is necessary for the proper perform-
19 ance of the functions of the agency, including
20 that the information has practical utility;

21 “(B) is not unnecessarily duplicative of in-
22 formation otherwise reasonably accessible to the
23 agency;

24 “(C) reduces to the extent practicable and
25 appropriate the burden on persons who shall

1 *provide information to or for the agency, includ-*
2 *ing with respect to small entities, as defined*
3 *under section 601(6) of title 5, the use of such*
4 *techniques as—*

5 *“(i) establishing differing compliance*
6 *or reporting requirements or timetables that*
7 *take into account the resources available to*
8 *those who are to respond;*

9 *“(ii) the clarification, consolidation, or*
10 *simplification of compliance and reporting*
11 *requirements; or*

12 *“(iii) an exemption from coverage of*
13 *the collection of information, or any part*
14 *thereof;*

15 *“(D) is written using plain, coherent, and*
16 *unambiguous terminology and is understandable*
17 *to those who are to respond;*

18 *“(E) is to be implemented in ways consist-*
19 *ent and compatible, to the maximum extent*
20 *practicable, with the existing reporting and rec-*
21 *ordkeeping practices of those who are to respond;*

22 *“(F) contains the statement required under*
23 *paragraph (1)(B)(iii);*

24 *“(G) has been developed by an office that*
25 *has planned and allocated resources for the effi-*

cient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

“(H) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

“(I) to the maximum extent practicable, uses information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public.

“(d) With respect to information dissemination, each agency shall—

“(1) ensure that the public has timely and equitable access to the agency’s public information, including ensuring such access through—

“(A) encouraging a diversity of public and private sources for information based on government public information, and

“(B) agency dissemination of public information in an efficient, effective, and economical manner;

1 “(2) regularly solicit and consider public input
2 on the agency’s information dissemination activities;
3 and

4 “(3) not, except where specifically authorized by
5 statute—

6 “(A) establish an exclusive, restricted, or
7 other distribution arrangement that interferes
8 with timely and equitable availability of public
9 information to the public;

10 “(B) restrict or regulate the use, resale, or
11 redissemination of public information by the
12 public;

13 “(C) charge fees or royalties for resale or
14 redissemination of public information; or

15 “(D) establish user fees for public informa-
16 tion that exceed the cost of dissemination.

17 “(e) With respect to statistical policy and coordina-
18 tion, each agency shall—

19 “(1) ensure the relevance, accuracy, timeliness,
20 integrity, and objectivity of information collected or
21 created for statistical purposes;

22 “(2) inform respondents fully and accurately
23 about the sponsors, purposes, and uses of statistical
24 surveys and studies;

1 “(3) protect respondents’ privacy and ensure
2 that disclosure policies fully honor pledges of con-
3 fidentiality;

4 “(4) observe Federal standards and practices for
5 data collection, analysis, documentation, sharing, and
6 dissemination of information;

7 “(5) ensure the timely publication of the results
8 of statistical surveys and studies, including informa-
9 tion about the quality and limitations of the surveys
10 and studies; and

11 “(6) make data available to statistical agencies
12 and readily accessible to the public.

13 “(f) With respect to records management, each agency
14 shall implement and enforce applicable policies and proce-
15 dures, including requirements for archiving information
16 maintained in electronic format, particularly in the plan-
17 ning, design and operation of information systems.

18 “(g) With respect to privacy and security, each agency
19 shall—

20 “(1) implement and enforce applicable policies,
21 procedures, standards, and guidelines on privacy,
22 confidentiality, security, disclosure and sharing of in-
23 formation collected or maintained by or for the agen-
24 cy;

1 “(2) assume responsibility and accountability for
2 compliance with and coordinated management of sec-
3 tions 552 and 552a of title 5, the Computer Security
4 Act of 1987 (40 U.S.C. 759 note), and related infor-
5 mation management laws; and

6 “(3) consistent with the Computer Security Act
7 of 1987 (40 U.S.C. 759 note), identify and afford se-
8 curity protections commensurate with the risk and
9 magnitude of the harm resulting from the loss, mis-
10 use, or unauthorized access to or modification of in-
11 formation collected or maintained by or on behalf of
12 an agency.

13 “(h) With respect to Federal information technology,
14 each agency shall—

15 “(1) implement and enforce applicable Govern-
16 mentwide and agency information technology man-
17 agement policies, principles, standards, and guide-
18 lines;

19 “(2) assume responsibility and accountability for
20 any acquisitions made pursuant to a delegation of
21 authority under section 111 of the Federal Property
22 and Administrative Services Act of 1949 (40 U.S.C.
23 759);

24 “(3) promote the use of information technology
25 by the agency to improve the productivity, efficiency,

1 *and effectiveness of agency programs, including the*
2 *reduction of information collection burdens on the*
3 *public and improved dissemination of public infor-*
4 *mation;*

5 *“(4) propose changes in legislation, regulations,*
6 *and agency procedures to improve information tech-*
7 *nology practices, including changes that improve the*
8 *ability of the agency to use technology to reduce bur-*
9 *den; and*

10 *“(5) establish, and be responsible for, a major in-*
11 *formation system initiative review process, which*
12 *shall be developed and implemented by the informa-*
13 *tion resources management steering committee estab-*
14 *lished under subsection (a)(5), consistent with guide-*
15 *lines issued under section 3505(4), and include—*

16 *“(A) the review of major information sys-*
17 *tem initiative proposals and projects (including*
18 *acquisitions of information technology), approval*
19 *or disapproval of each such initiative, and peri-*
20 *odic reviews of the development and implementa-*
21 *tion of such initiatives, including whether the*
22 *projected benefits have been achieved;*

23 *“(B) the use by the committee of specified*
24 *evaluative techniques and criteria to—*

1 “(i) assess the economy, efficiency, ef-
 2 fectiveness, risks, and priority of system ini-
 3 tiatives in relation to mission needs and
 4 strategies;

5 “(ii) estimate and verify life-cycle sys-
 6 tem initiative costs; and

7 “(iii) assess system initiative privacy,
 8 security, records management, and dissemi-
 9 nation and access capabilities;

10 “(C) the use, as appropriate, of independent
 11 cost evaluations of data developed under sub-
 12 paragraph (B); and

13 “(D) the inclusion of relevant information
 14 about approved initiatives in the agency’s an-
 15 nual budget request.

16 **“§ 3507. Public information collection activities; sub-**
 17 **mission to Director; approval and delega-**
 18 **tion**

19 “(a) An agency shall not conduct or sponsor the collec-
 20 tion of information unless in advance of the adoption or
 21 revision of the collection of information—

22 “(1) the agency has—

23 “(A) conducted the review established under
 24 section 3506(c)(1);

1 “(B) evaluated the public comments received
2 under section 3506(c)(2);

3 “(C) submitted to the Director the certifi-
4 cation required under section 3506(c)(3), the
5 proposed collection of information, copies of per-
6 tinent statutory authority, regulations, and other
7 related materials as the Director may specify;
8 and

9 “(D) published a notice in the Federal Reg-
10 ister—

11 “(i) stating that the agency has made
12 such submission; and

13 “(ii) setting forth—

14 “(I) a title for the collection of in-
15 formation;

16 “(II) a summary of the collection
17 of information;

18 “(III) a brief description of the
19 need for the information and the pro-
20 posed use of the information;

21 “(IV) a description of the likely
22 respondents and proposed frequency of
23 response to the collection of informa-
24 tion;

1 “(V) an estimate of the burden
2 that shall result from the collection of
3 information; and

4 “(VI) notice that comments may
5 be submitted to the agency and Direc-
6 tor;

7 “(2) the Director has approved the proposed col-
8 lection of information or approval has been inferred,
9 under the provisions of this section; and

10 “(3) the agency has obtained from the Director
11 a control number to be displayed upon the collection
12 of information.

13 “(b) The Director shall provide at least 30 days for
14 public comment prior to making a decision under sub-
15 section (c), (d), or (h), except as provided under subsection
16 (j).

17 “(c)(1) For any proposed collection of information not
18 contained in a proposed rule, the Director shall notify the
19 agency involved of the decision to approve or disapprove
20 the proposed collection of information.

21 “(2) The Director shall provide the notification under
22 paragraph (1), within 60 days after receipt or publication
23 of the notice under subsection (a)(1)(D), whichever is later.

1 “(3) If the Director does not notify the agency of a
2 denial or approval within the 60-day period described
3 under paragraph (2)—

4 “(A) the approval may be inferred;

5 “(B) a control number shall be assigned without
6 further delay; and

7 “(C) the agency may collect the information for
8 not more than 2 years.

9 “(d)(1) For any proposed collection of information
10 contained in a proposed rule—

11 “(A) as soon as practicable, but no later than the
12 date of publication of a notice of proposed rulemaking
13 in the Federal Register, each agency shall forward to
14 the Director a copy of any proposed rule which con-
15 tains a collection of information and any information
16 requested by the Director necessary to make the deter-
17 mination required under this subsection; and

18 “(B) within 60 days after the notice of proposed
19 rulemaking is published in the Federal Register, the
20 Director may file public comments pursuant to the
21 standards set forth in section 3508 on the collection
22 of information contained in the proposed rule;

23 “(2) When a final rule is published in the Federal Reg-
24 ister, the agency shall explain—

1 “(A) how any collection of information contained
2 in the final rule responds to the comments, if any,
3 filed by the Director or the public; or

4 “(B) the reasons such comments were rejected.

5 “(3) If the Director has received notice and failed to
6 comment on an agency rule within 60 days after the notice
7 of proposed rulemaking, the Director may not disapprove
8 any collection of information specifically contained in an
9 agency rule.

10 “(4) No provision in this section shall be construed to
11 prevent the Director, in the Director’s discretion—

12 “(A) from disapproving any collection of infor-
13 mation which was not specifically required by an
14 agency rule;

15 “(B) from disapproving any collection of infor-
16 mation contained in an agency rule, if the agency
17 failed to comply with the requirements of paragraph
18 (1) of this subsection;

19 “(C) from disapproving any collection of infor-
20 mation contained in a final agency rule, if the Direc-
21 tor finds within 60 days after the publication of the
22 final rule that the agency’s response to the Director’s
23 comments filed under paragraph (2) of this subsection
24 was unreasonable; or

1 “(D) from disapproving any collection of infor-
2 mation contained in a final rule, if—

3 “(i) the Director determines that the agency
4 has substantially modified in the final rule the
5 collection of information contained in the pro-
6 posed rule; and

7 “(ii) the agency has not given the Director
8 the information required under paragraph (1)
9 with respect to the modified collection of infor-
10 mation, at least 60 days before the issuance of
11 the final rule.

12 “(5) This subsection shall apply only when an agency
13 publishes a notice of proposed rulemaking and requests pub-
14 lic comments.

15 “(6) The decision by the Director to approve or not
16 act upon a collection of information contained in an agency
17 rule shall not be subject to judicial review.

18 “(e)(1) Any decision by the Director under subsection
19 (c), (d), (h), or (j) to disapprove a collection of information,
20 or to instruct the agency to make substantive or material
21 change to a collection of information, shall be publicly
22 available and include an explanation of the reasons for such
23 decision.

24 “(2) Any written communication between the Office of
25 the Director, the Administrator of the Office of Information

1 *and Regulatory Affairs, or any employee of the Office of*
 2 *Information and Regulatory Affairs and an agency or per-*
 3 *son not employed by the Federal Government concerning*
 4 *a proposed collection of information shall be made available*
 5 *to the public.*

6 “(3) *This subsection shall not require the disclosure*
 7 *of—*

8 “(A) *any information which is protected at all*
 9 *times by procedures established for information which*
 10 *has been specifically authorized under criteria estab-*
 11 *lished by an Executive order or an Act of Congress*
 12 *to be kept secret in the interest of national defense or*
 13 *foreign policy; or*

14 “(B) *any communication relating to a collection*
 15 *of information which has not been approved under*
 16 *this chapter, the disclosure of which could lead to re-*
 17 *taliation or discrimination against the communica-*
 18 *tor.*

19 “(f)(1) *An independent regulatory agency which is ad-*
 20 *ministered by 2 or more members of a commission, board,*
 21 *or similar body, may by majority vote void—*

22 “(A) *any disapproval by the Director, in whole*
 23 *or in part, of a proposed collection of information of*
 24 *an independent regulatory agency; or*

1 “(B) an exercise of authority under subsection
2 (d) of section 3507 concerning such an agency.

3 “(2) The agency shall certify each vote to void such
4 disapproval or exercise to the Director, and explain the rea-
5 sons for such vote. The Director shall without further delay
6 assign a control number to such collection of information,
7 and such vote to void the disapproval or exercise shall be
8 valid for a period of 3 years.

9 “(g) The Director may not approve a collection of in-
10 formation for a period in excess of 3 years.

11 “(h)(1) If an agency decides to seek extension of the
12 Director’s approval granted for a currently approved collec-
13 tion of information, the agency shall—

14 “(A) conduct the review established under section
15 3506(c), including the seeking of comment from the
16 public on the continued need for, and burden imposed
17 by the collection of information; and

18 “(B) after having made a reasonable effort to
19 seek public comment, but no later than 60 days before
20 the expiration date of the control number assigned by
21 the Director for the currently approved collection of
22 information, submit the collection of information for
23 review and approval under this section, which shall
24 include an explanation of how the agency has used
25 the information that it has collected.

1 “(2) If under the provisions of this section, the Director
2 disapproves a collection of information contained in an ex-
3 isting rule, or recommends or instructs the agency to make
4 a substantive or material change to a collection of informa-
5 tion contained in an existing rule, the Director shall—

6 “(A) publish an explanation thereof in the Fed-
7 eral Register; and

8 “(B) instruct the agency to undertake a rule-
9 making within a reasonable time limited to consider-
10 ation of changes to the collection of information con-
11 tained in the rule and thereafter to submit the collec-
12 tion of information for approval or disapproval under
13 this chapter.

14 “(3) An agency may not make a substantive or mate-
15 rial modification to a collection of information after such
16 collection has been approved by the Director, unless the
17 modification has been submitted to the Director for review
18 and approval under this chapter.

19 “(i)(1) If the Director finds that a senior official of
20 an agency designated under section 3506(a) is sufficiently
21 independent of program responsibility to evaluate fairly
22 whether proposed collections of information should be ap-
23 proved and has sufficient resources to carry out this respon-
24 sibility effectively, the Director may, by rule in accordance
25 with the notice and comment provisions of chapter 5 of title

1 5, *United States Code*, delegate to such official the authority
 2 to approve proposed collections of information in specific
 3 program areas, for specific purposes, or for all agency pur-
 4 poses.

5 “(2) A delegation by the Director under this section
 6 shall not preclude the Director from reviewing individual
 7 collections of information if the Director determines that
 8 circumstances warrant such a review. The Director shall
 9 retain authority to revoke such delegations, both in general
 10 and with regard to any specific matter. In acting for the
 11 Director, any official to whom approval authority has been
 12 delegated under this section shall comply fully with the
 13 rules and regulations promulgated by the Director.

14 “(j)(1) The agency head may request the Director to
 15 authorize collection of information prior to expiration of
 16 time periods established under this chapter, if an agency
 17 head determines that—

18 “(A) a collection of information—

19 “(i) is needed prior to the expiration of
 20 such time periods; and

21 “(ii) is essential to the mission of the agen-
 22 cy; and

23 “(B) the agency cannot reasonably comply with
 24 the provisions of this chapter within such time peri-
 25 ods because—

1 “(i) public harm is reasonably likely to re-
2 sult if normal clearance procedures are followed;
3 or

4 “(ii) an unanticipated event has occurred
5 and the use of normal clearance procedures is
6 reasonably likely to prevent or disrupt the collec-
7 tion of information related to the event or is rea-
8 sonably likely to cause a statutory or court-or-
9 dered deadline to be missed.

10 “(2) The Director shall approve or disapprove any
11 such authorization request within the time requested by the
12 agency head and, if approved, shall assign the collection
13 of information a control number. Any collection of informa-
14 tion conducted under this subsection may be conducted
15 without compliance with the provisions of this chapter for
16 a maximum of 90 days after the date on which the Director
17 received the request to authorize such collection.

18 **“§ 3508. Determination of necessity for information;**
19 **hearing**

20 “Before approving a proposed collection of informa-
21 tion, the Director shall determine whether the collection of
22 information by the agency is necessary for the proper per-
23 formance of the functions of the agency, including whether
24 the information shall have practical utility. Before making
25 a determination the Director may give the agency and other

1 *interested persons an opportunity to be heard or to submit*
2 *statements in writing. To the extent that the Director deter-*
3 *mines that the collection of information by an agency is*
4 *unnecessary for the proper performance of the functions of*
5 *the agency, for any reason, the agency may not engage in*
6 *the collection of information.*

7 **“§ 3509. Designation of central collection agency**

8 *“The Director may designate a central collection agen-*
9 *cy to obtain information for two or more agencies if the*
10 *Director determines that the needs of such agencies for in-*
11 *formation will be adequately served by a single collection*
12 *agency, and such sharing of data is not inconsistent with*
13 *applicable law. In such cases the Director shall prescribe*
14 *(with reference to the collection of information) the duties*
15 *and functions of the collection agency so designated and of*
16 *the agencies for which it is to act as agent (including reim-*
17 *bursement for costs). While the designation is in effect, an*
18 *agency covered by the designation may not obtain for itself*
19 *information for the agency which is the duty of the collec-*
20 *tion agency to obtain. The Director may modify the des-*
21 *ignation from time to time as circumstances require. The*
22 *authority to designate under this section is subject to the*
23 *provisions of section 3507(f) of this chapter.*

1 **“§3510. Cooperation of agencies in making informa-**
2 **tion available**

3 “(a) *The Director may direct an agency to make avail-*
4 *able to another agency, or an agency may make available*
5 *to another agency, information obtained by a collection of*
6 *information if the disclosure is not inconsistent with appli-*
7 *cable law.*

8 “(b)(1) *If information obtained by an agency is re-*
9 *leased by that agency to another agency, all the provisions*
10 *of law (including penalties which relate to the unlawful dis-*
11 *closure of information) apply to the officers and employees*
12 *of the agency to which information is released to the same*
13 *extent and in the same manner as the provisions apply to*
14 *the officers and employees of the agency which originally*
15 *obtained the information.*

16 “(2) *The officers and employees of the agency to which*
17 *the information is released, in addition, shall be subject to*
18 *the same provisions of law, including penalties, relating to*
19 *the unlawful disclosure of information as if the information*
20 *had been collected directly by that agency.*

21 **“§3511. Establishment and operation of Government**
22 **Information Locator Service**

23 *“In order to assist agencies and the public in locating*
24 *information and to promote information sharing and equi-*
25 *table access by the public, the Director shall—*

1 “(1) cause to be established and maintained a
2 distributed agency-based electronic Government Infor-
3 mation Locator Service (hereafter in this section re-
4 ferred to as the ‘Service’), which shall identify the
5 major information systems, holdings, and dissemina-
6 tion products of each agency;

7 “(2) require each agency to establish and main-
8 tain an agency information locator service as a com-
9 ponent of, and to support the establishment and oper-
10 ation of the Service;

11 “(3) in cooperation with the Archivist of the
12 United States, the Administrator of General Services,
13 the Public Printer, and the Librarian of Congress, es-
14 tablish an interagency committee to advise the Sec-
15 retary of Commerce on the development of technical
16 standards for the Service to ensure compatibility, pro-
17 mote information sharing, and uniform access by the
18 public;

19 “(4) consider public access and other user needs
20 in the establishment and operation of the Service;

21 “(5) ensure the security and integrity of the
22 Service, including measures to ensure that only infor-
23 mation which is intended to be disclosed to the public
24 is disclosed through the Service; and

1 “(6) periodically review the development and ef-
 2 fectiveness of the Service and make recommendations
 3 for improvement, including other mechanisms for im-
 4 proving public access to Federal agency public infor-
 5 mation.

6 **“§ 3512. Public protection**

7 “Notwithstanding any other provision of law, no per-
 8 son shall be subject to any penalty for failing to maintain,
 9 provide, or disclose information to or for any agency or
 10 person if the applicable collection of information—

11 “(1) was made after December 31, 1981; and

12 “(2)(A) does not display a valid control number
 13 assigned by the Director; or

14 “(B) fails to state that such collection is not sub-
 15 ject to this chapter.

16 **“§ 3513. Director review of agency activities; report-**
 17 **ing; agency response**

18 “(a) In consultation with the Administrator of General
 19 Services, the Archivist of the United States, the Director
 20 of the National Institute of Standards and Technology, and
 21 the Director of the Office of Personnel Management, the Di-
 22 rector shall periodically review selected agency information
 23 resources management activities to ascertain the efficiency
 24 and effectiveness of such activities to improve agency per-
 25 formance and the accomplishment of agency missions.

1 “(b) *Each agency having an activity reviewed under*
2 *subsection (a) shall, within 60 days after receipt of a report*
3 *on the review, provide a written plan to the Director de-*
4 *scribing steps (including milestones) to—*

5 “(1) *be taken to address information resources*
6 *management problems identified in the report; and*

7 “(2) *improve agency performance and the accom-*
8 *plishment of agency missions.*

9 **“§ 3514. Responsiveness to Congress**

10 “(a)(1) *The Director shall—*

11 “(A) *keep the Congress and congressional com-*
12 *mittees fully and currently informed of the major ac-*
13 *tivities under this chapter; and*

14 “(B) *submit a report on such activities to the*
15 *President of the Senate and the Speaker of the House*
16 *of Representatives annually and at such other times*
17 *as the Director determines necessary.*

18 “(2) *The Director shall include in any such report a*
19 *description of the extent to which agencies have—*

20 “(A) *reduced information collection burdens on*
21 *the public, including—*

22 “(i) *a summary of accomplishments and*
23 *planned initiatives to reduce collection of infor-*
24 *mation burdens;*

1 “(ii) a list of all violations of this chapter
2 and of any rules, guidelines, policies, and proce-
3 dures issued pursuant to this chapter; and

4 “(iii) a list of any increase in the collection
5 of information burden, including the authority
6 for each such collection;

7 “(B) improved the quality and utility of statis-
8 tical information;

9 “(C) improved public access to Government in-
10 formation; and

11 “(D) improved program performance and the ac-
12 complishment of agency missions through information
13 resources management.

14 “(b) The preparation of any report required by this
15 section shall be based on performance results reported by
16 the agencies and shall not increase the collection of informa-
17 tion burden on persons outside the Federal Government.

18 **“§ 3515. Administrative powers**

19 “Upon the request of the Director, each agency (other
20 than an independent regulatory agency) shall, to the extent
21 practicable, make its services, personnel, and facilities
22 available to the Director for the performance of functions
23 under this chapter.

1 **“§ 3516. Rules and regulations**

2 *“The Director shall promulgate rules, regulations, or*
3 *procedures necessary to exercise the authority provided by*
4 *this chapter.*

5 **“§ 3517. Consultation with other agencies and the**
6 **public**

7 *“(a) In developing information resources management*
8 *policies, plans, rules, regulations, procedures, and guide-*
9 *lines and in reviewing collections of information, the Direc-*
10 *tor shall provide interested agencies and persons early and*
11 *meaningful opportunity to comment.*

12 *“(b) Any person may request the Director to review*
13 *any collection of information conducted by or for an agency*
14 *to determine, if, under this chapter, the person shall main-*
15 *tain, provide, or disclose the information to or for the agen-*
16 *cy. Unless the request is frivolous, the Director shall, in co-*
17 *ordination with the agency responsible for the collection of*
18 *information—*

19 *“(1) respond to the request within 60 days after*
20 *receiving the request, unless such period is extended*
21 *by the Director to a specified date and the person*
22 *making the request is given notice of such extension;*
23 *and*

24 *“(2) take appropriate remedial action, if nec-*
25 *essary.*

1 **“§ 3518. Effect on existing laws and regulations**

2 “(a) *Except as otherwise provided in this chapter, the*
 3 *authority of an agency under any other law to prescribe*
 4 *policies, rules, regulations, and procedures for Federal in-*
 5 *formation resources management activities is subject to the*
 6 *authority of the Director under this chapter.*

7 “(b) *Nothing in this chapter shall be deemed to affect*
 8 *or reduce the authority of the Secretary of Commerce or*
 9 *the Director of the Office of Management and Budget pursu-*
 10 *ant to Reorganization Plan No. 1 of 1977 (as amended)*
 11 *and Executive order, relating to telecommunications and*
 12 *information policy, procurement and management of tele-*
 13 *communications and information systems, spectrum use,*
 14 *and related matters.*

15 “(c)(1) *Except as provided in paragraph (2), this*
 16 *chapter shall not apply to the collection of information—*

17 “(A) *during the conduct of a Federal criminal*
 18 *investigation or prosecution, or during the disposition*
 19 *of a particular criminal matter;*

20 “(B) *during the conduct of—*

21 “(i) *a civil action to which the United*
 22 *States or any official or agency thereof is a*
 23 *party; or*

24 “(ii) *an administrative action or investiga-*
 25 *tion involving an agency against specific indi-*
 26 *viduals or entities;*

1 “(C) by compulsory process pursuant to the
2 *Antitrust Civil Process Act* and section 13 of the *Fed-*
3 *eral Trade Commission Improvements Act of 1980*; or

4 “(D) during the conduct of intelligence activities
5 as defined in section 4-206 of *Executive Order No.*
6 12036, issued January 24, 1978, or successor orders,
7 or during the conduct of cryptologic activities that
8 are communications security activities.

9 “(2) This chapter applies to the collection of informa-
10 tion during the conduct of general investigations (other
11 than information collected in an antitrust investigation to
12 the extent provided in subparagraph (C) of paragraph (1))
13 undertaken with reference to a category of individuals or
14 entities such as a class of licensees or an entire industry.

15 “(d) Nothing in this chapter shall be interpreted as
16 increasing or decreasing the authority conferred by *Public*
17 *Law 89-306 on the Administrator of the General Services*
18 *Administration, the Secretary of Commerce, or the Director*
19 *of the Office of Management and Budget.*

20 “(e) Nothing in this chapter shall be interpreted as in-
21 creasing or decreasing the authority of the President, the
22 *Office of Management and Budget or the Director thereof,*
23 under the laws of the United States, with respect to the sub-
24 stantive policies and programs of departments, agencies

1 *and offices, including the substantive authority of any Fed-*
 2 *eral agency to enforce the civil rights laws.*

3 ***“§ 3519. Access to information***

4 *“Under the conditions and procedures prescribed in*
 5 *section 716 of title 31, the Director and personnel in the*
 6 *Office of Information and Regulatory Affairs shall furnish*
 7 *such information as the Comptroller General may require*
 8 *for the discharge of the responsibilities of the Comptroller*
 9 *General. For the purpose of obtaining such information, the*
 10 *Comptroller General or representatives thereof shall have*
 11 *access to all books, documents, papers and records, regard-*
 12 *less of form or format, of the Office.*

13 ***“§ 3520. Authorization of appropriations***

14 *“(a) Subject to subsection (b), there are authorized to*
 15 *be appropriated to the Office of Information and Regu-*
 16 *latory Affairs to carry out the provisions of this chapter,*
 17 *and for no other purpose, \$8,000,000 for each of the fiscal*
 18 *years 1995, 1996, 1997, 1998, and 1999.*

19 *“(b)(1) No funds may be appropriated pursuant to*
 20 *subsection (a) unless such funds are appropriated in an ap-*
 21 *propriation Act (or continuing resolution) which separately*
 22 *and expressly states the amount appropriated pursuant to*
 23 *subsection (a) of this section.*

24 *“(2) No funds are authorized to be appropriated to the*
 25 *Office of Information and Regulatory Affairs, or to any*

1 *other officer or administrative unit of the Office of Manage-*
2 *ment and Budget, to carry out the provisions of this chap-*
3 *ter, or to carry out any function under this chapter, for*
4 *any fiscal year pursuant to any provision of law other than*
5 *subsection (a) of this section."*

6 **SEC. 3. EFFECTIVE DATE.**

7 *The provisions of this Act and the amendments made*
8 *by this Act shall take effect on March 31, 1995.*

Calendar No. 704

103D CONGRESS
2D Session

S. 560

[Report No. 103-392]

A BILL

To further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

SEPTEMBER 30 (legislative day, SEPTEMBER 12), 1994

Reported with an amendment

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